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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

DONALD MICHAEL BARNES, et al

Serial No. 10/041,686

Filing Date: 1/7/2002

For: **APPARATUS HAVING PRECISION
HYPERSPPECTRAL IMAGING
ARRAY WITH ACTIVE PHOTONIC
EXCITATION TARGETING
CAPABILITIES AND ASSOCIATED
METHODS**

Art Unit: 3765

Attorney Docket No.
25001A**PETITION TO REVIVE APPLICATION FOR UNINTENTIONAL ABANDONMENT**

Attention: Office of Petitions
Asst. Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to the Notice to File Missing Parts Action mailed on February 22, 2002, which set a two-month period for reply. The abandonment date of this application is August 22, 2002.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

Enclosed herewith for filing the Petition are:

1. Petition Fee

☒ Small entity – fee \$640.00 (37 CFR 1.17 (m))
Applicant claims small entity status. See 37 CFR 1.27

☐ Small entity statement enclosed herewith

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MAR 07 2003

OFFICE OF PETITIONS

In re Patent Application of:
DONALD MICHAEL BARNES, et al
Serial No. 10/041,686
Filing Date: 1/7/2002

☒ Small entity statement previously filed

☐ Other than small entity – Fee \$ _____
(37 CFR 1.17 (m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of Response to Notice to File Missing Parts

☐ has been filed previously on _____

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

3. Terminal Disclaimer with disclaimer fee

☒ Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20 (d)) of \$ _____ for a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

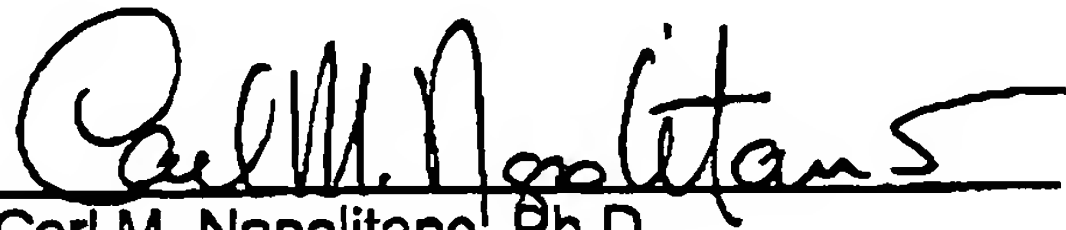
4. Statement. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137 (b) was unintentional. The responsible Attorney originally handling this matter left eh

In re Patent Application of:
DONALD MICHAEL BARNES, et al
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law firm February 2002. the Missing Parts Notice was received by the law firm during a transition of work responsibility and was not received by the undersigned until November 2002. Failure to timely respond to the Missing Parts Notice was unintentional.

If any additional extension and/or fee is required, or if any additional fee for claims is required, the Commissioner is authorized to charge Deposit Account No. 01-0484.

Respectfully submitted,



Carl M. Napolitano, Ph.D.
Reg. No. 37,405
Allen, Dyer, Doppelt, Milbrath
and Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
Telephone: 407/841-2330
Fax: 407/841-2343
Agent for Applicant

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OFFICE OF PETITIONS

In re Patent Application of:
DONALD MICHAEL BARNES, et al
Serial No. 10/041,686
Filing Date: 1/7/2002

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this PETITION TO REVIVE APPLICATION FOR UNINTENTIONAL ABANDONMENT for Serial No. 10/041,686 is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, on this 17th day of December, 2002.



Edward Bradley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

DONALD MICHAEL BARNES ET AL.

Serial No. 10/041,686

Filing Date: January 7, 2002

For: **APPARATUS HAVING PRECISION
HYPERSPECTRAL IMAGING ARRAY
WITH ACTIVE PHOTONIC EXCITATION
TARGETING CAPABILITIES AND
ASSOCIATED METHODS**

Art Unit: 3736

Attorney Docket No.
25001A

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Responsive to the Notice to File Missing Parts mailed February 22, 2002,

Applicant encloses the following:

1. The Total Filing Fee has been calculated as shown below:

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	33	13	\$9.00	\$117.00
Indep. Claims	9	6	\$42.00	\$252.00
SURCHARGE - Late Filing Fee or Oath or Declaration				\$65.00
Assignment Recordation Fee				\$40.00
Multiple Dependent Claim Fee				\$0.00
Basic Filing Fee				\$370.00
Total Filing Fee				\$844.00

In re Patent Application of:
DONALD MICHAEL BARNES ET AL.
Serial No. 10/041,686
Filing Date: January 7, 2002

2. Copy of "Notice to File Missing Parts of Application" mailed February 22, 2002.

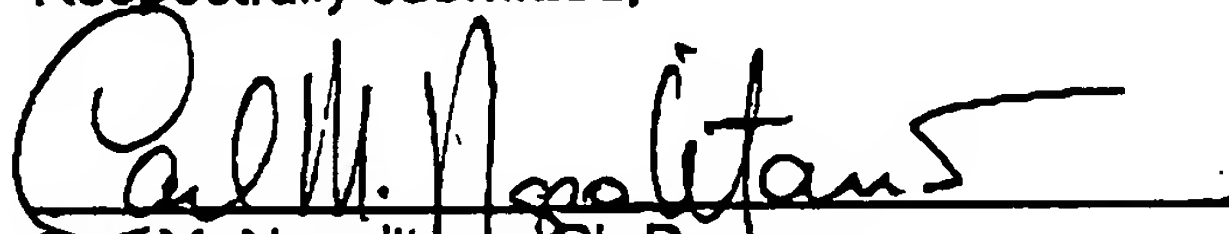
3. Declaration and Power of Attorney for Patent Application.

4. Assignment with Recordation Cover Sheet.

5. Substitute Drawings (7 sheets)

The Commissioner is authorized to charge Deposit Account No. 01-0484 in the amount of \$844.00 to cover the Total Filing Fee.

Respectfully submitted,



Carl M. Napolitano, Ph.D.

Reg. No. 37,405

Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

255 S. Orange Avenue, Suite 1401

Post Office Box 3791

Orlando, Florida 32802

(407) 841-2330

Agent for Applicant

CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, this 17th day of December, 2002.



Edward Bradley



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/041,686	01/07/2002	Donald Michael Barnes	25001A

CONFIRMATION NO. 5443

FORMALITIES LETTER

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST
255 South Orange Avenue - Suite 1401
P.O. Box 3791
Orlando, FL 32802-3791



OC000000007521603

Date Mailed: 02/22/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$369.
 - \$117 for 13 total claims over 20.
 - \$252 for 6 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 804.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.

L MO GUSS

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

DONALD MICHAEL BARNES ET AL.

Serial No. 10/041,686

Filing Date: January 7, 2002

**For: APPARATUS HAVING PRECISION
HYPER SPECTRAL IMAGING ARRAY
WITH ACTIVE PHOTONIC EXCITATION
TARGETING CAPABILITIES AND
ASSOCIATED METHODS**

Art Unit: 3765

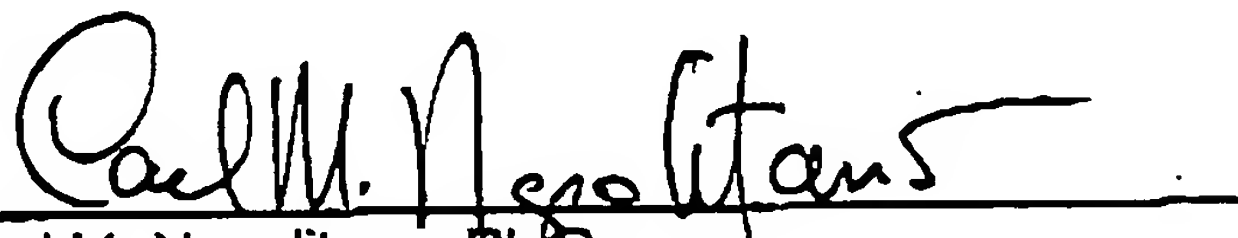
Attorney Docket No.
25001AAsst. Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL OF SUBSTITUTE DRAWINGS

Please enter the enclosed 7 sheets of drawings in lieu of the drawings originally filed in the above-identified patent application.

Respectfully submitted,



Carl M. Napolitano, Ph.D.

Reg. No. 37405

Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

255 S. Orange Avenue, Suite 1401

Post Office Box 3791

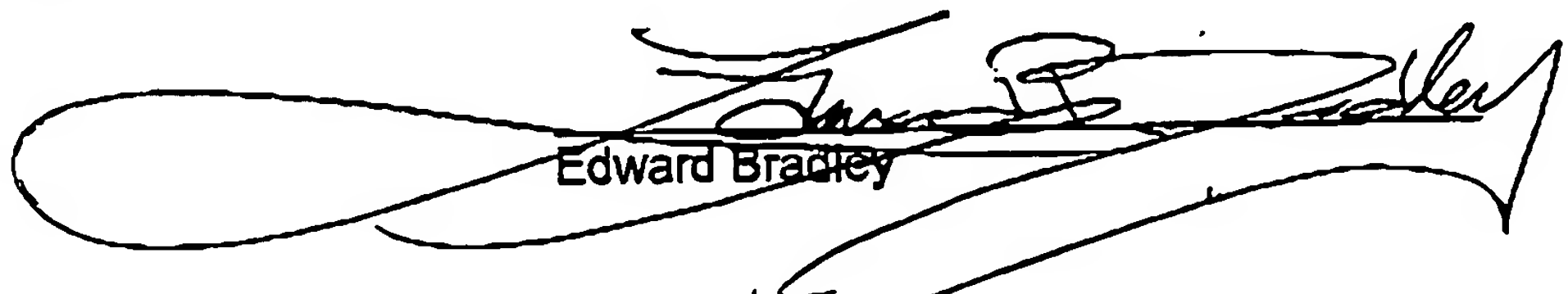
Orlando, Florida 32802

(407) 841-2330

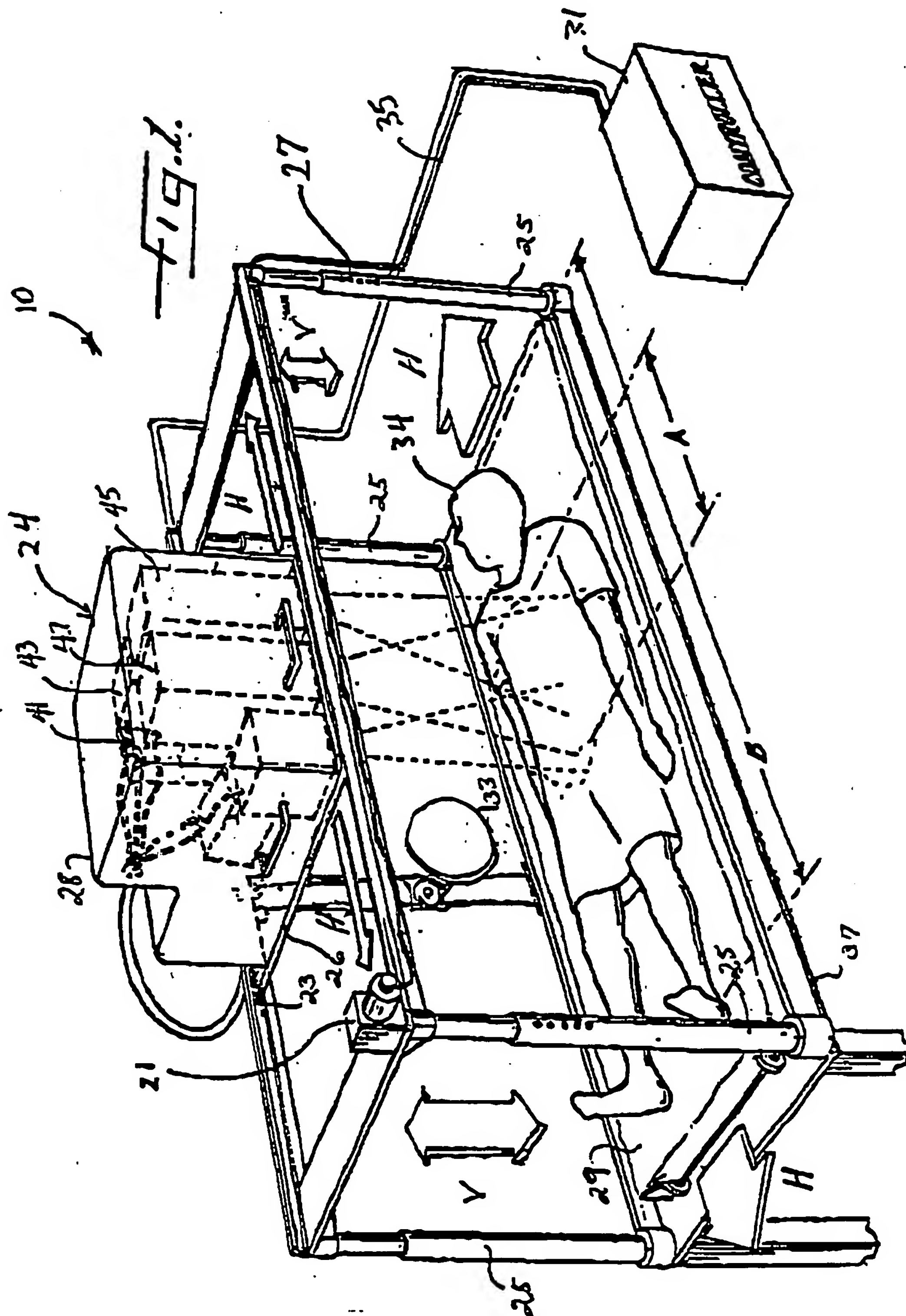
Agent for Applicant

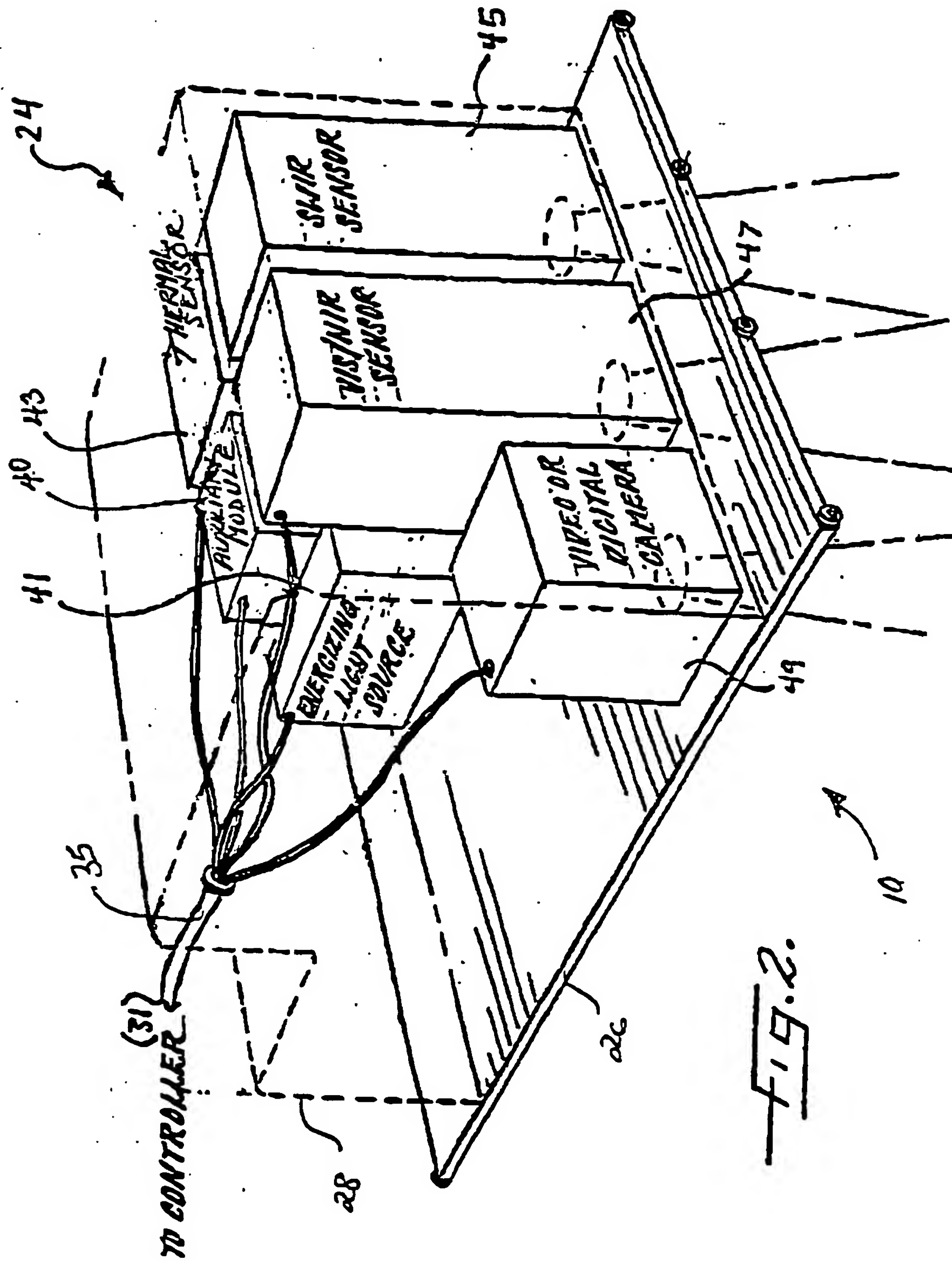
CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, this 17TH day of December, 2002.


Edward Bradley

✱✱





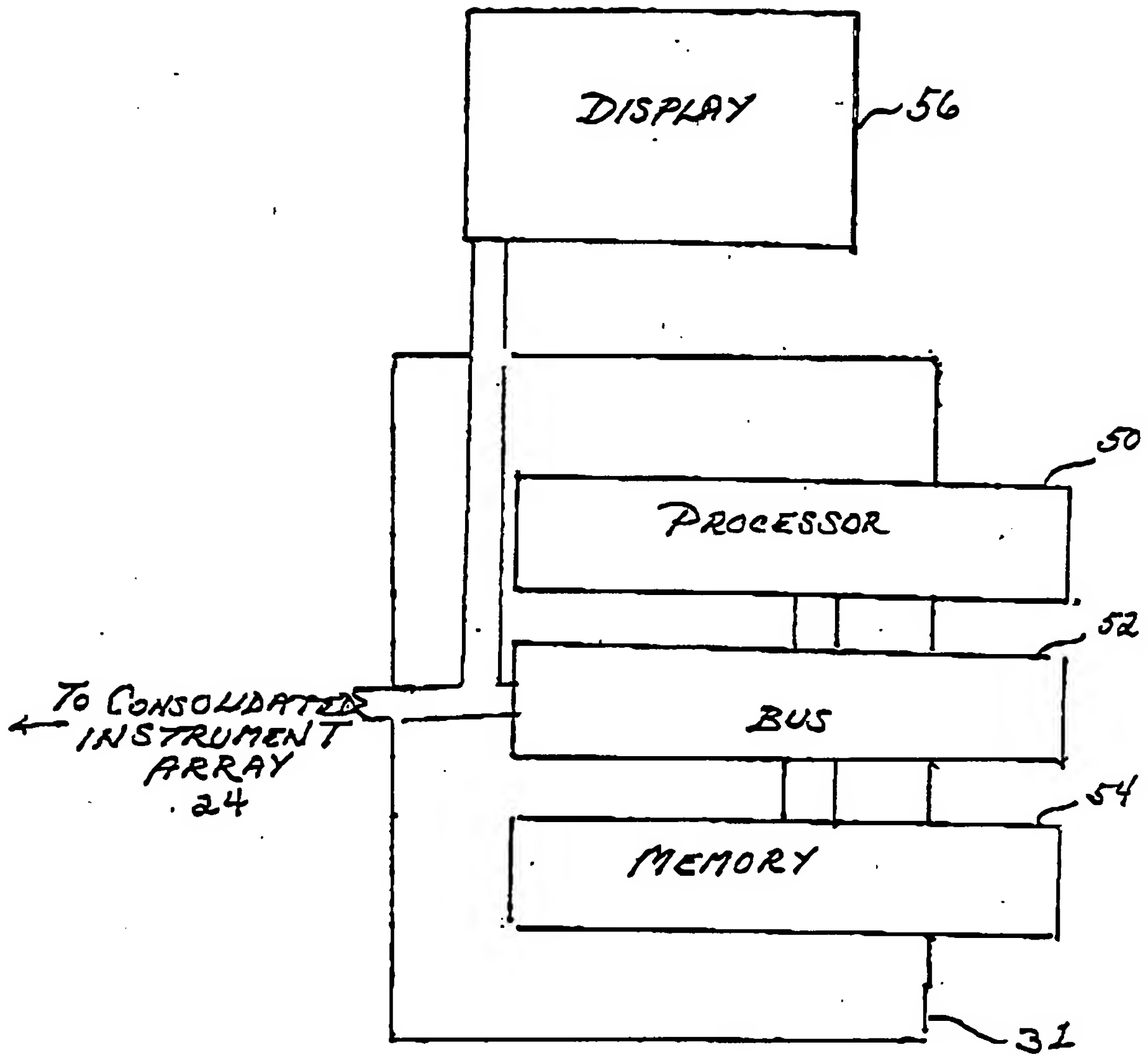


Fig. 3

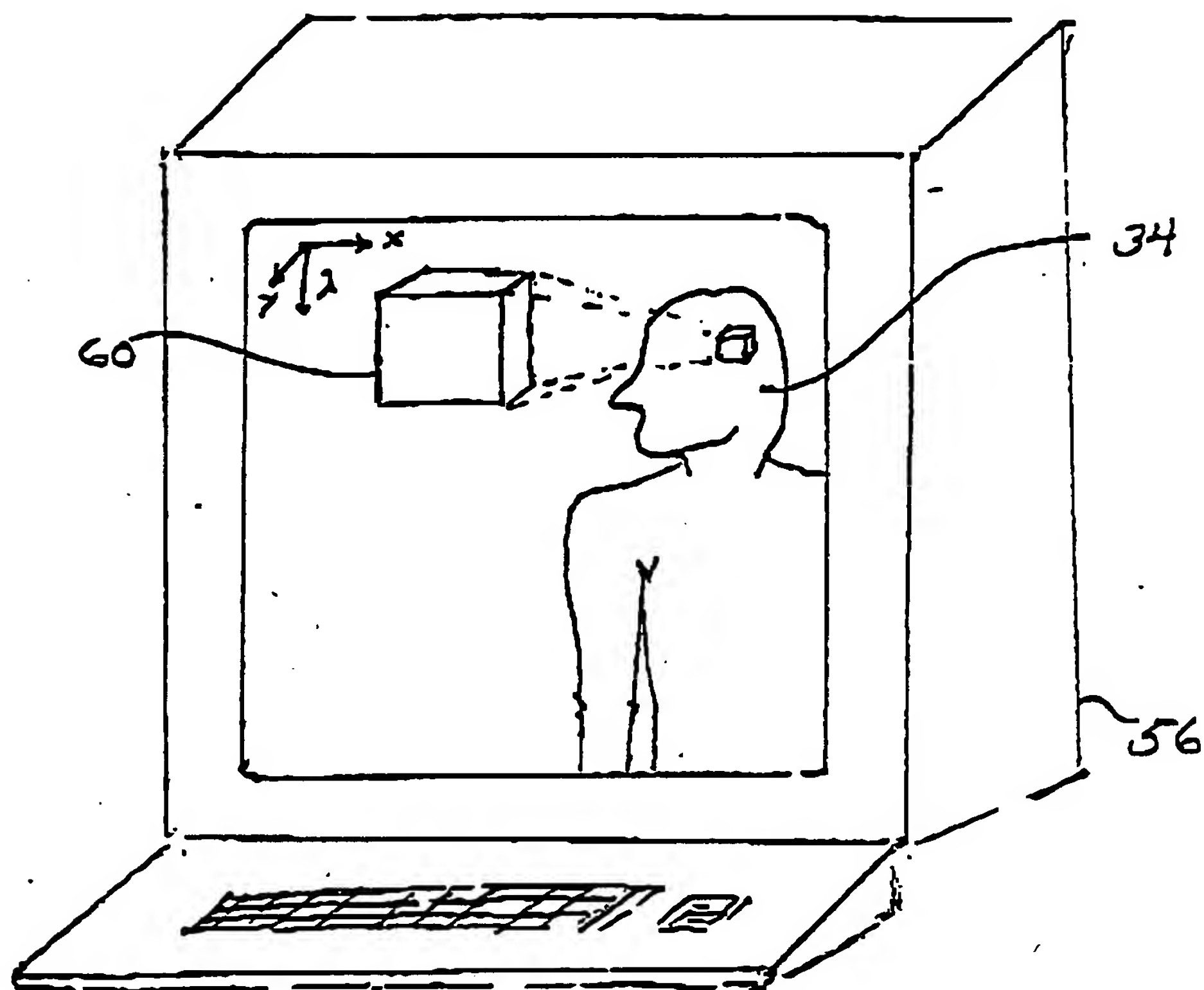


Fig. 4

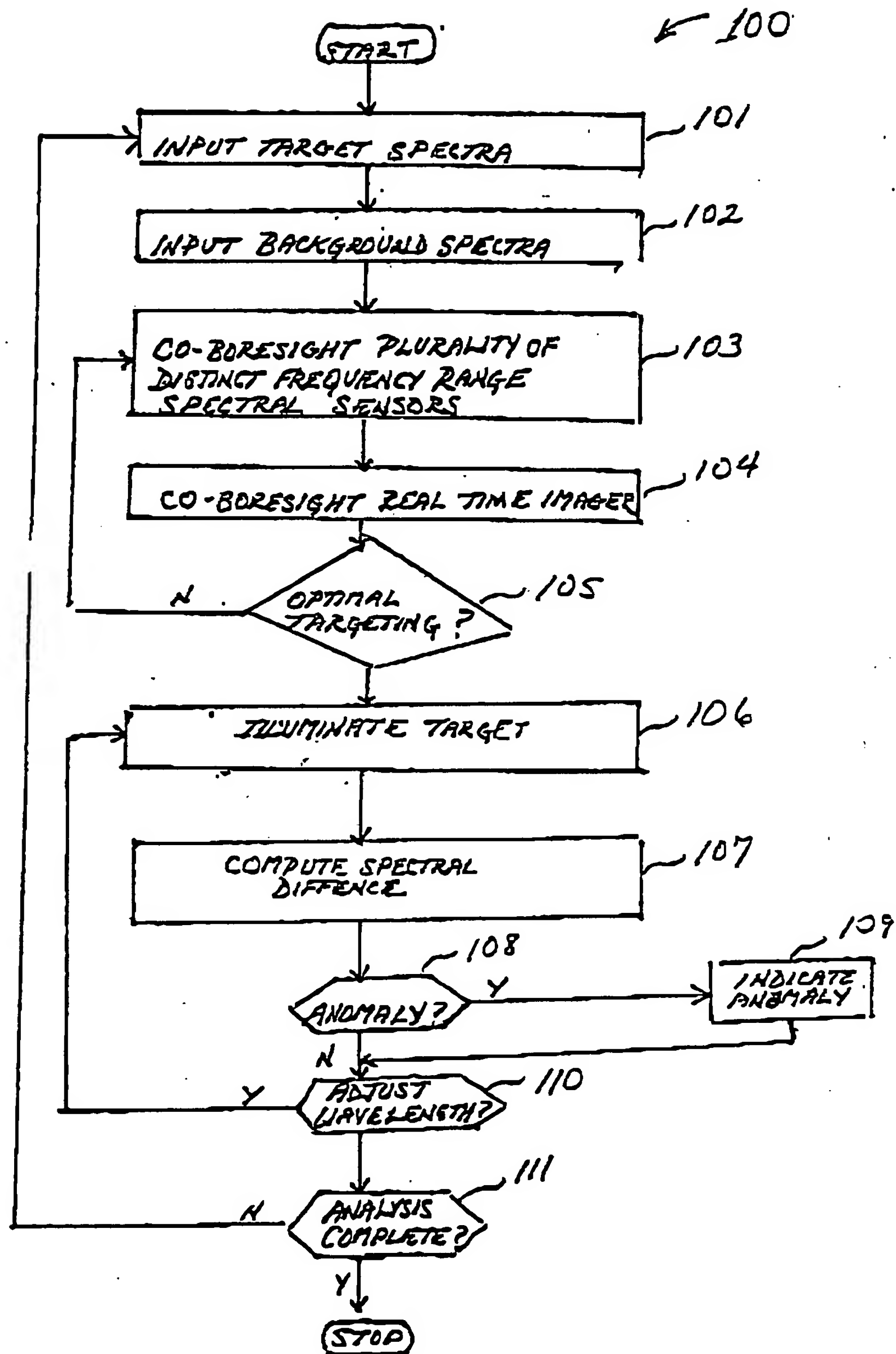
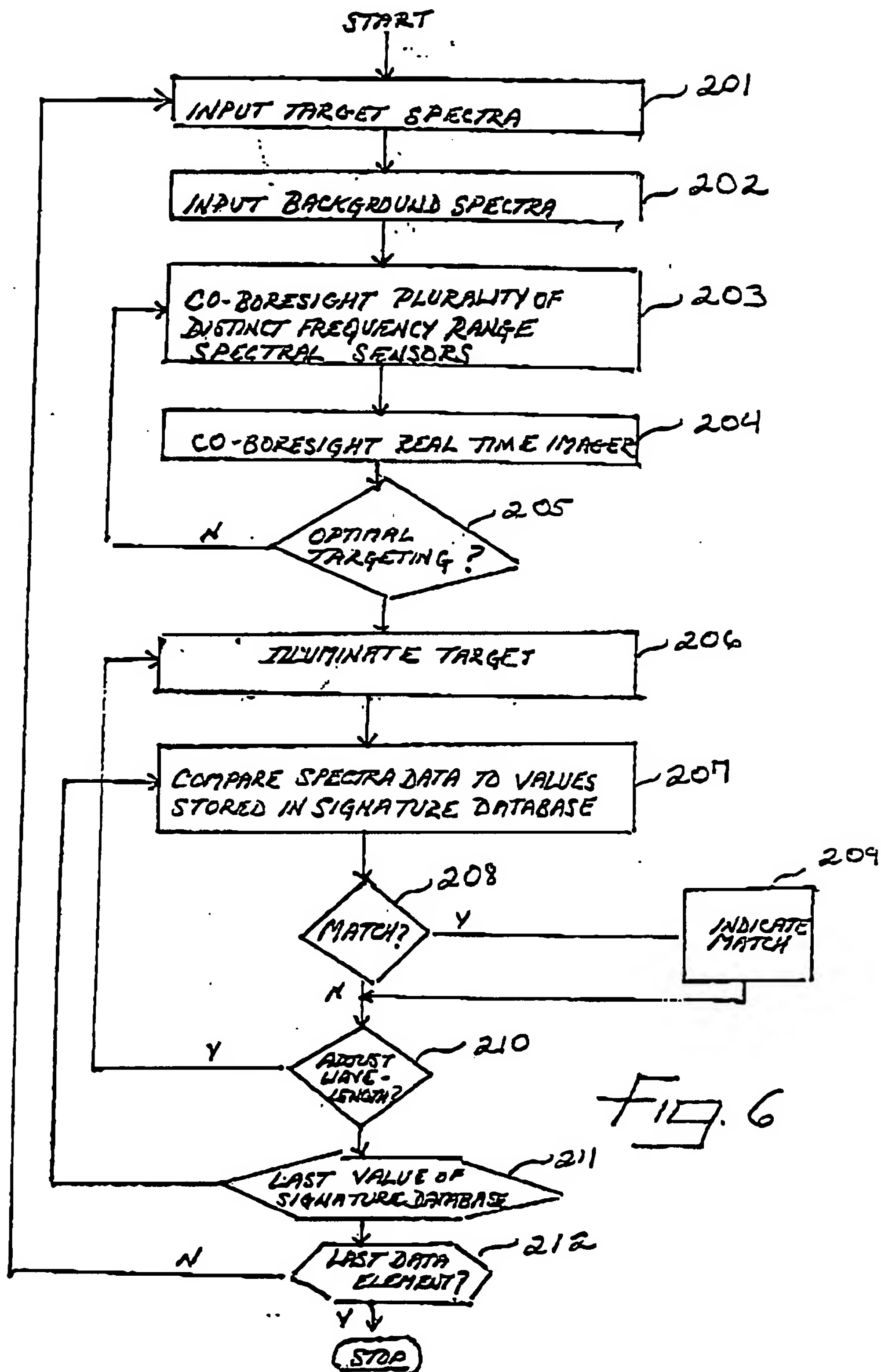


FIG. 5



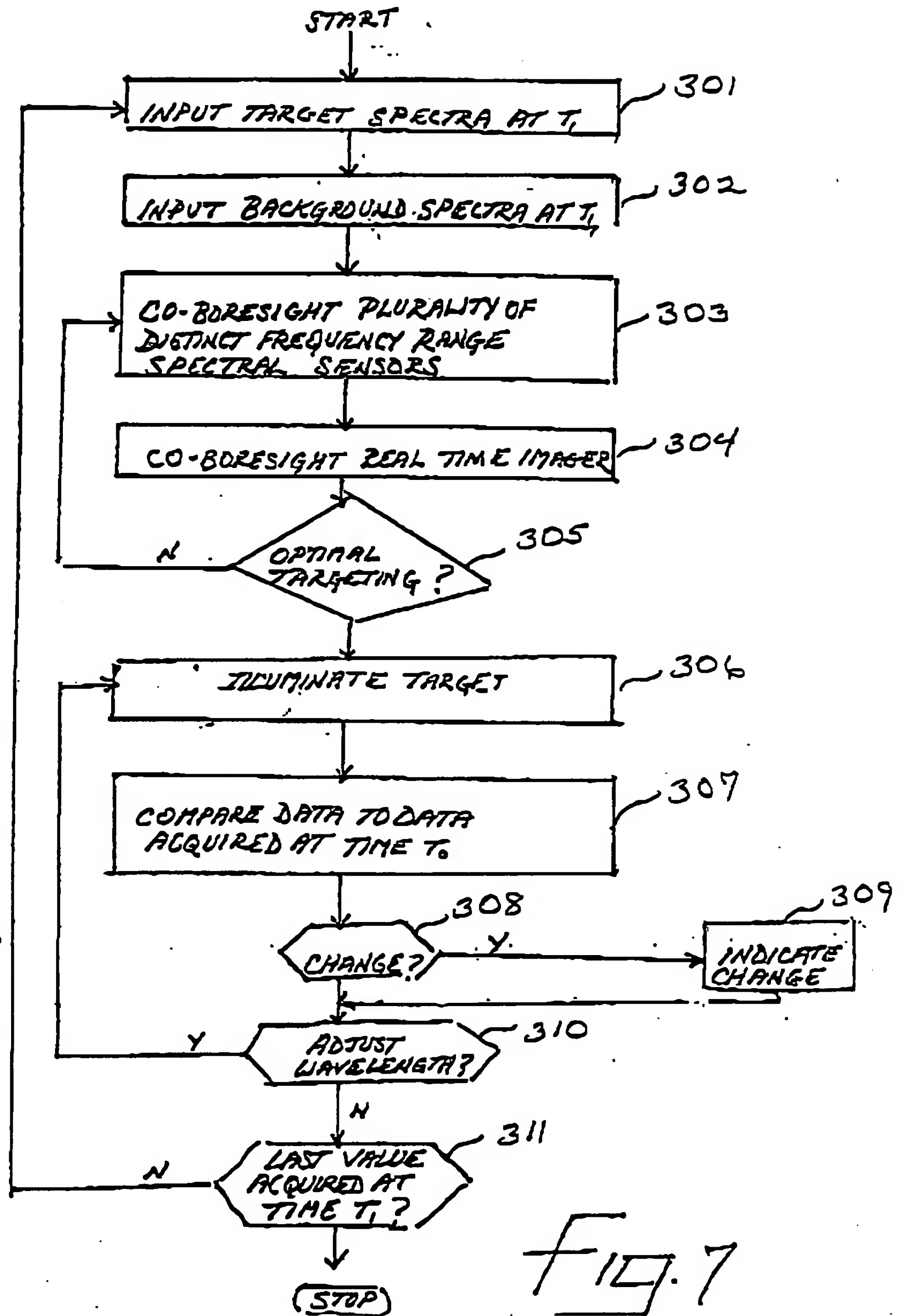


FIG. 7